



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

| APPLICATION NO.        | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|------------------------|-------------|----------------------|----------------------|------------------|
| 09/895,452             | 06/29/2001  | Robert M. Fries      | 92819.02             | 3197             |
| 22971                  | 7590        | 07/02/2007           | EXAMINER             |                  |
| MICROSOFT CORPORATION  |             |                      | CHOWDHURY, SUMAIYA A |                  |
| ONE MICROSOFT WAY      |             |                      |                      |                  |
| REDMOND, WA 98052-6399 |             |                      | ART UNIT             | PAPER NUMBER     |
|                        |             |                      | 2623                 |                  |
|                        |             |                      | NOTIFICATION DATE    | DELIVERY MODE    |
|                        |             |                      | 07/02/2007           | ELECTRONIC       |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

roks@microsoft.com  
ntovar@microsoft.com  
a-rydore@microsoft.com

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/895,452             | FRIES, ROBERT M.    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Sumaiya A. Chowdhury   | 2623                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 June 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 40,41,47-50 and 54-60 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 40,41,47-50 and 54-60 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 40-41, 47-50, and 54-60 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 40-41, 47-50, and 54-60 rejected under 35 U.S.C. 102(e) as being anticipated by Wang (6675385).

As for claims 40 and 56, Wang teaches in a source of audiovideo data transmitted to a plurality of subscriber receivers, a system comprising:

(a) means (10) for providing a new page of content (updated epg data) to an existing carousel of pages at the source (epg database 10) of audiovideo data (col. 3, lines 55-60, col. 6, lines 49-60, col. 2, lines 9-16);

- (b) means (14) for determining when the new page of content requires reduced latency (pages with high priority require reduced latency (col. 6, line 60-col. 7, line 21);
- (c) means (14) for upon determining the new page requires reduced latency, placing the new page into the carousel more than once – col. 7, lines 1-7;
- (d) means (14) for determining which pages in the carousel contain links to the new page (col. 3, line 65-col. 4, line 5);
- (e) means (14) for modifying metadata for each page in the carousel containing links to the new page (col. 3, line 65-col. 4, line 5);
- (f) means (14) for determining which pages in the carousel are linked to by the new page (col. 3, line 65-col. 4, line 5);
- (g) means (14) for modifying metadata for the new page for each page in the carousel that is linked to by the new page (col. 3, line 65-col. 4, line 5);
- (h) means (14) for determining when the carousel is ready for transmission (col. 3, lines 58-61, col. 4, lines 30-34, col. 5, lines 20-30) ;
- (i) means (16) for repeating steps (a) – (h) until the carousel of pages is determined to be ready for transmission – col. 7, lines 1-20;
- (j) means (16) for injecting the carousel pages onto a transmission medium (22-fig. 1) for transmission to the subscriber receivers (24) – col. 3, lines 30-36, fig. 1 ;
- (k) means (24) for determining when page information in the carousel is changed (when new pages are received; col. 3, lines 58-61, col. 6, lines 49-60);
- (l) means (16) for repeating steps (j)-(k) until page information in the carousel is changed (col. 7, lines 1-20, col. 2, lines 30-50);

As for claim 41, Wang teaches determining when page information in the carousel is changed comprises determining that a new page is provided for the carousel (when the receiver receives new pages, it determines that the page information in the carousel has changed – col. 3, lines 58-61, col. 6, lines 49-60);

As for claims 47 and 57, Wang teaches providing the new page of content comprises inserting a new page in place of an old page on a substantially regular basis, thereby providing a slide show effect from a perspective of a viewer that corresponds to one of the subscriber receivers – col. 4, lines 30-35, col. 6, lines 49-60.

As for claims 48 and 58, Wang teaches wherein page metadata for the new page includes an automatic link to itself such that a subscriber receiver reacquires page metadata of the new page when the new page is received – col. 3, line 65-col. 4, line 6.

As for claims 49 and 59, Wang teaches wherein page metadata for the new page includes an automatic link to another page such that when the automatic link is interpreted at a subscriber receiver, the subscriber receiver automatically displays the other page when available at the receiver – col. 3, line 65-col. 4, line 6.

As for claims 50 and 60, Wang teaches wherein the new page is placed in the carousel at spaced apart locations – col. 6, line 60-col. 7, line 20.

As for claim 54, Wang teaches:

Selecting pages of content for transmission – col. 4, lines 30-35; and

In a substantially recurring pattern, injecting the pages onto a transmission medium for transmission to a receiver, in which one of the pages of content is injected more frequently in the pattern than at least one other page such that a maximum latency for receiving the more frequently injected page is less than a maximum latency for receiving the at least one other page – col. 6, line 60-col. 7, line 20.

As for claim 55, Wang teaches wherein the page that is transmitted more frequently is transmitted in the recurring pattern at spaced-apart time— col. 6, line 60-col. 7, line 20.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/895,452  
Art Unit: 2623

Page 7

SAC



ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER